

REMARKS

Claim 1 has been amended to include the limitations of Claims 4 and 6 and further include a limitation "dissolved in dipropylene glycol". Support can be found in the examples described on pages 17-24 (e.g., the last complete paragraph on page 21), for example. Claim 17 has been amended to include the limitations of Claim 18 and further include the same limitation as in Claim 1. Claims 4-6, 11-14, 18, and 19 have been canceled without prejudice to or a disclaimer of the subject matter recited therein. Claims 21-23 have been added. Support can be found in the last paragraph on page 8 and the paragraph bridging pages 8 and 9, for example. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Rejection of Claims 1-4, 6-10, and 13-16 Under 35 U.S.C. § 102

Claims 1-4, 6-10, and 13-16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Bombardelli et al EP0300282 (Bombardelli). Claim 1 as amended herein recites:

A topical composition for treating wrinkles on the skin comprising silymarin dissolved in dipropylene glycol and contained in an amount of 0.7% to 2.0% by weight effective to promote the production of type I collagen and/or to promote the production of elastin.

The topical composition effectively penetrates the skin (e.g., Fig. 5) and can reduce the wrinkle depth (e.g., Figs. 6 and 7), increase skin elasticity (e.g., Fig. 8), improve the skin conditions visually (e.g., Fig. 5) and sensual feeling (e.g., Fig. 9). In Claim 1, the topical composition comprises silymarin dissolved in dipropylene glycol.

Bombardelli does not teach the topical composition comprising silymarin dissolved in dipropylene glycol. Thus, each and every element of claim 1 cannot be found in Bombardelli, and claim 1 cannot be anticipated by Bombardelli.

Claims 2, 3, 7-10, and 15-16 also cannot be anticipated by Bombardelli at least due to their dependencies upon claim 1. Claims 4, 6, 13, and 14 have been canceled without prejudice.

It is respectfully requested that this rejection be withdrawn.

Rejection of Claims 17, 19, and 20 Under 35 U.S.C. § 102

Claims 17, 19, and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by A. Benaiges et al. Study of the refirming effect of a plant complex, International Journal of Cosmetic Science Volume 20 Issue 4 Page 223-233, August 1998 (Benaiges).

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Claim 17 as amended herein recites:

A method for treating wrinkles on the skin of a subject by promoting the production elastin in an extracellular matrix of a dermis, comprising topically administering to the subject an effective amount of a composition comprising silymarin dissolved in dipropylene glycol and contained in an amount of 0.7% to 2.0% by weight.

The topical composition used in claim 17 comprises silymarin dissolved in dipropylene glycol and can effectively penetrate the skin and effectively treat wrinkles with use in an amount of 0.7% to 2.0% by weight.

Benaiges does not teach silymarin dissolved in dipropylene glycol. Further, Benaiges does not teach as low an amount as 0.7% to 2.0% of silymarin. Thus, each and every element of claim 17 cannot be found in Bombardelli, and claim 17 cannot be anticipated by Bombardelli.

Claims 19 and 20 also cannot be anticipated by Bombardelli at least due to their dependencies upon claim 17.

It is respectfully requested that this rejection be withdrawn.

Rejection of Claims 1-20 Under 35 U.S.C. § 103

Claims 1-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bombardelli and Benaiges in view of Sekimoto US6814958 (Sekimoto).

Sekimoto discloses a food composition having preventive and therapeutic activities against periodontal disease. Sekimoto does not supply the deficiency of Bombardelli and Benaiges as discussed above. Therefore, any combination of Bombardelli, Benaiges, Sekimoto does not teach claims 1 and 17. Therefore, claims 1 and 17 could not be obvious over the above references. Claims 4-6, 11-14, and 18-19 have been canceled without prejudice, and the remaining claims could not be obvious at least due to their dependencies upon claim 1 or 17.

It is respectfully requested that this rejection be withdrawn.

New Claims

Claims 21-24 have been added.

Claim 21 recites:

A method for treating wrinkles on the skin of a subject by promoting the production elastin in an extracellular matrix of a dermis, comprising orally administering to the

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subject an amount of an oral composition comprising silymarin contained in an amount of 0.001% to 20% by weight.

Neither Bombardelli nor Benaiges teaches an oral composition comprising silymarin. Oral administration is physiologically different from topical administration. It was not known and was not taught by any prior art that orally administered silymarin can effectively treat wrinkles on the skin. A declaration of Sakurai and Handa accompanying this amendment shows that orally administered silymarin surprisingly reduces the number of wrinkles (paragraph 3.1 on pages 3-4), wrinkle depth (paragraph 3.2 on pages 4-5), and overall volume of wrinkles (paragraph 3.3 on page 5). These effects are unrelated to penetration of skin, and neither Bombardelli nor Benaiges teaches these effects in a predictable manner. Sekimoto discloses a food composition having preventive and therapeutic activities against periodontal disease. Sekimoto does not supply the deficiency of Bombardelli and Benaiges. Therefore, claim 21 could not be obvious over any combination of Bombardelli, Benaiges, and Sekimoto. Claims 22 and 23 also could not be obvious at least due to their dependencies upon claim 21.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. The grounds for rejection which are not discussed herein are moot. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history

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shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 22, 2008

By: 

Daniel E. Altman
Registration No. 34,115
Attorney of Record
Customer No. 20,995
(949) 760-0404

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